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SUBJECT: HUMAN RIGHTS REPORT ON BOLIVIA

1. AS EMBASSY IS AWARE, UNCLASSIFIED HUMAN RIGHTS REPORTS ON INDIVIDUAL COUNTRIES WILL ACCOMPANY THE CONGRESSIONAL PRESENTATION DOCUMENT FOR SECURITY ASSISTANCE WHEN IT GOES TO THE HILL SOMETIME EARLY NEXT YEAR. THE EXACT DATE WILL BE DETERMINED BY THE NEW ADMINISTRATION. PRESENT SCHEDULE CALLS FOR PRINTING OF THE REPORTS ON JANUARY 15.

2. TEXT OF AGREED ARA PAPER ON BOLIVIA IS TRANSMITTED FOR EMBASSY INFORMATION AND ANY COMMENTS. EMBASSY COMMENTS SHOULD BE SLUGGED FOR COUNTRY DESK OFFICER PACE.

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3. BEGIN TEXT:

I. POLITICAL SITUATION

BOLIVIA'S POLITICAL SYSTEM HISTORICALLY HAS BEEN CHARACTERIZED BY PLOTTING, REVOLUTION AND MILITARY COUPS WITH SUB-

SEQUENT RULE BY DECREE. THERE WERE THREE SUCH TAKEOVERS IN THE 1969-71 PERIOD AND THERE HAVE BEEN SEVERAL COUP ATTEMPTS SUBSEQUENTLY.

THE GOVERNMENT OF PRESIDENT HUGO BANZER CAME TO POWER IN A MILITARY COUP IN AUGUST, 1971. ALTHOUGH SEVERAL POLITICAL PARTIES PARTICIPATED IN THIS GOVERNMENT DURING ITS EARLIER YEARS, SINCE NOVEMBER 1974, THE ACTIVITIES OF POLITICAL ORGANIZATIONS, INCLUDING TRADE UNIONS, HAVE BEEN SUSPENDED. SOME EXCEPTIONS TO THE PROVISIONS OF THE DECREE THAT SUSPENDED SUCH ACTIVITIES ARE PERMITTED FOR CERTAIN POLITICAL GROUPS. IN ADDITION, SOME LOCAL LABOR UNION ELECTIONS HAVE BEEN HELD, NOTWITHSTANDING THE DECREE.

PRESIDENT BANZER HAS STATED THAT HIS GOVERNMENT PLANS TO REMAIN IN POWER UNTIL 1980 IN ORDER TO CONTINUE ITS AVOWED PROGRAM OF NATION-BUILDING, ECONOMIC DEVELOPMENT AND INTERNAL POLITICAL STABILIZATION. BOLIVIA IS CURRENTLY EXPERIENCING A PERIOD OF RELATIVELY RAPID ECONOMIC GROWTH.

II. LEGAL SITUATION

THE 1967 CONSTITUTION PROVIDES STANDARD GUARANTEES OF BASIC HUMAN RIGHTS, MOST OF WHICH ARE CODIFIED IN CIVIL AND CRIMINAL STATUTES. SINCE 1969, HOWEVER, RESORT TO GOVERNMENT BY DECREE HAS RESULTED IN THE STRENGTHENING OF EXECUTIVE AUTHORITY AND THE WEAKENING OF INDEPENDENT JUDICIAL OR LEGISLATIVE AUTHORITY WITH CONSEQUENT LIMITATIONS ON THE PRACTICAL APPLICABILITY OF CONSTITUTIONAL GUARANTEES.

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FOLLOWING THE COMPLETE MILITARY TAKEOVER OF NOVEMBER, 1974, DECREES WERE ISSUED WHICH ABRIDGED CERTAIN CIVIL LIBERTIES. ONE OF THE DECREES STATED THAT THE 1967 BOLIVIAN CONSTITUTION WAS "HEREBY DECLARED FULLY IN FORCE IN ALL ASPECTS WHICH DO NOT CONFLICT WITH THIS STATUTE OF GOVERNMENT, INSTITUTIONAL DISPOSITIONS, AND SUCH DECREE LAWS THAT MAY BE ADOPTED BY THE NATIONAL GOVERNMENT IN ORDER TO PROTECT THE HIGHEST INTEREST OF THE COUNTRY."

STATE OF SIEGE PROVISIONS ARE INCLUDED IN THE CONSTITUTION AND HAVE BEEN INVOKED SEVERAL TIMES SINCE 1971; THE LATEST STATE-OF-SIEGE ENDED IN JULY 1976. A 1972 DECREE-LAW ALSO PERMITS INDEFINITE DETENTION OF INDIVIDUALS CONSIDERED A THREAT TO INTERNAL SECURITY. IN ALL CASES INVOLVING ARRESTS FOR POLITICAL ACTIVITY, CONSPIRACY OR SUBVERSION GOVERNMENT AUTHORITY TO MAKE SUCH ARRESTS IS DERIVED FROM PUBLISHED DECREES OR DECREE-LAWS.

III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. INTEGRITY OF THE PERSON

ARTICLE 3: MOST BOLIVIANS ENJOY A RELATIVELY ORDERLY AND PEACEFUL SOCIETY AND ARE NORMALLY SECURE FROM ABUSES. DESPITE SIGNIFICANT PROGRESS OVER THE PAST GENERATION, HOWEVER, A MAJORITY OF THE PEOPLE ARE STILL NOT PROTECTED FROM LIMITED OFFICIAL USE

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OCCASIONAL INFRINGEMENT OF THE RIGHT TO LIFE ON THE PART OF MILITARY AND SECURITY FORCES. THE MOST RECENT EXAMPLE OF SUCH ABUSES OCCURED IN JANUARY 1974, WHEN A CONFRONTATION BETWEEN MILITARY UNITS AND STRIKING FARMERS IN THE COCHABAMBA VALLEY RESULTED IN THE DEATHS OF APPROXIMATELY ONE HUNDRED PEASANTS.

ARTICLE 5: GOVERNMENT AUTHORIZED OR CONDONED VIOLATIONS OF THE RIGHTS OF PRISONERS BY TORTURE OR INHUMAN TREATMENT OCCURED IN THE PERIOD 1971 TO 1973. FEW SUCH INSTANCES ARE ALLEGED TO HAVE OCCURED IN SUBSEQUENT YEARS, AND THESE ALLEGATIONS HAVE NOT BEEN CONFIRMED. THE MINISTER OF INTERIOR HAS STATED PUBLICLY THAT TORTURE OF POLITICAL PRISONERS IS PROHIBITED AND DOES NOT OCCUR.

ARTICLE 8: MOST PRISONERS ENJOY EFFECTIVE ACCESS TO COMPETENT LEGAL TRIBUNALS. POLITICAL PRISONERS, HOWEVER, ARE NOT GENERALLY ABLE TO SECURE ADEQUATE LEGAL REDRESS FOR VIOLATIONS OF THEIR RIGHTS.

ARTICLE 9: ACTIVE CRITICS OF THE GOVERNMENT ARE SUBJECT TO ARBITRARY ARREST, DETENTION AND EXILE. IN NOVEMBER 1976, THE BOLIVIAN MINISTER OF INTERIOR ANNOUNCED THAT HIS GOVERNMENT CURRENTLY HOLDS 87 POLITICAL DETAINEES. THE MAJORITY OF POLITICAL PRISONERS APPEAR TO SPEND LESS THAN 10 MONTHS IN DETENTION. IN THE LATEST OF ITS CHRISTMAS AMNESTIES, ON DECEMBER 19, 1975, THE BOLIVIAN GOVERNMENT FREED 71 POLITICAL PRISONERS AND PERMITTED THE RETURN TO BOLIVIA OF NINE EXILES.

ARTICLE 10: A FAIR AND PUBLIC HEARING IS AVAILABLE FOR PERSONS CHARGED WITH ORDINARY VIOLATIONS OF THE CIVIL AND CRIMINAL CODES, BUT SUCH HEARINGS ARE NOT NORMALLY ALLOWED TO POLITICAL DETAINEES.

ARTICLE 11: BOLIVIANS ENJOY THE RIGHT TO A FAIR TRIAL,
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ALTHOUGH VIOLATIONS OF THIS RIGHT DO OCCUR IN CASES INVOLVING POLITICAL PRISONERS.

B. OTHER IMPORTANT FREEDOMS

FREEDOM OF MOVEMENT IS LIMITED IN BOLIVIA BY THE NOVEMBER 1974 DECREE ESTABLISHING COMPULSORY CIVIL SERVICE. INDIVIDUALS CAN BE REQUIRED TO PROVIDE THEIR SERVICES TO THE

STATE, OR BE DENIED THE FREEDOM TO CHANGE JOBS OR TO LEAVE THE COUNTRY. IN PRACTICE, THIS DECREE HAS RARELY BEEN INVOKED. FREEDOM OF ASSEMBLY IS ALSO LIMITED BY A NOVEMBER 1974 DECREE BANNING POLITICAL MEETINGS. THE PRESS AND OTHER MEDIA ENJOY A WIDE MEASURE OF FREEDOM TO REPORT AND EDITORIALIZE, ALTHOUGH SELF-CENSORSHIP IS EXERCISED WITH RESPECT TO CRITICISM OF THE PRESIDENT OR THE ARMED FORCES. LABOR UNIONS ARE STRICTLY LIMITED IN THEIR RIGHTS TO ORGANIZE OR TO ENGAGE IN COLLECTIVE BARGAINING. STRIKES ARE PROHIBITED AND ELECTED TRADE UNION OFFICIALS HAVE BEEN REPLACED BY GOVERNMENT-APPOINTED COORDINATORS. LABOR LEADERS AND OTHERS WHO OPPOSE THE GOVERNMENT MAY BE SUBJECTED TO INVOLUNTARY EXILE, AS WAS THE CASE WITH THIRTY-TWO MINE WORKERS FEDERATION MEMBERS WHO WERE SENT INTO EXILE IN CHILE DURING JUNE AND JULY OF 1976.

IV. OTHER HUMAN RIGHTS REPORTING

THE ANNUAL REPORT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS FOR 1975 RECORDED DEVELOPMENTS IN SEVERAL BOLIVIAN CASES WHICH HAD ARISEN IN 1974 AND EARLY 1975. THE MAJOR CASE CONCERNED THE REPORTED DEATHS OF OVER 100 PEASANTS WHO HAD DEMONSTRATED NEAR COCHABAMBA IN JANUARY 1974. THE SAME REPORT STATED THAT THE BOLIVIAN CHRISTIAN DEMOCRATIC PARTY LEADER, BENJAMIN MIGUEL HARB, HAD BEEN HELD INCOMMUNICADO IN A JAIL IN LA PAZ FOR TWENTY-FIVE
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DAYS IN EARLY 1974, PRIOR TO BEING EXPELLED FROM THE COUNTRY LATER THAT YEAR.

THE AMNESTY INTERNATIONAL 1975-76 ANNUAL REPORT WHICH COVERS EVENTS THROUGH EARLY 1976 STATED: "A SIGNIFICANT IMPROVEMENT WAS OBSERVED DURING THE FIRST HALF OF THE PERIOD COVERED BY THIS REPORT IN THE REPORTED TREATMENT RECEIVED BY POLITICAL PRISONERS. NEARLY ALL OF 1975 WAS CHARACTERIZED BY A NOTABLE ABSENCE OF THE ALLEGATIONS OF TORTURE WHICH HAD BEEN ALL TOO FREQUENT IN THE PREVIOUS YEARS." HOWEVER, AMNESTY ALSO NOTES IT HAD RECEIVED "UN-OFFICIAL REPORTS" THAT SOME AMONG NINE PERSONS DETAINED FOR THEIR ALLEGED LINKS TO GUERRILLA MOVEMENTS IN DECEMBER 1975 HAD BEEN MANACLED AND SUBJECTED TO TORTURE. OTHER ALLEGED GUERRILLA CONSPIRATORS WERE ARRESTED ON JANUARY 29, 1976; ONE OF THESE INDIVIDUALS WAS ALLEGED TO HAVE DIED UNDER TORTURE. THE AI REPORT ALSO TOOK NOTE OF GOVERNMENT OF BOLIVIA ACTIONS AGAINST TRADE UNIONS DURING 1975, INCLUDING THE ARREST OF REPRESENTATIVES OF THE IL-LEGAL BOLIVIAN LABOR CENTRAL ON JULY 12, 1975. A MAJORITY OF THESE INDIVIDUALS WERE RELEASED OR SENT INTO EXILE

WITHIN MONTHS OF THEIR ARREST.

THE INTERNATIONAL RED CROSS INFORMATION NOTES PUBLICATION OF JULY 30, 1975 BRIEFLY DESCRIBES A VISIT OF THE INTERNATIONAL COMMITTEE FOR THE RED CROSS (ICRC) DELEGATE TO BOLIVIA FROM JUNE 20 TO JULY 13 OF THAT YEAR. THE MOST RECENT ICRC VISIT TO BOLIVIA WAS IN JULY 1976. RED CROSS OFFICIALS IN BOLIVIA AND VISITING ICRC DELEGATES HAVE ACCESS TO ALL PRISONERS WITHOUT THE PRESENCE OF PRISON OFFICIALS, AND RECEIVE FULL COOPERATION FROM GOVERNMENT AUTHORITIES. ICRC REPORTS ON THE CONDITIONS OF PRISONERS, INCLUDING POLITICAL PRISONERS, ARE MADE AVAILABLE ONLY TO GOVERNMENTS.

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